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Pay as you learn

A PERVERSE pattern seems to be emerging in our economic life whereby when the going gets tough the tough get going, and when it gets good they get even tougher.

These days we tend to look back somewhat indulgently at the bad old days of industrial strife and rampant inflation, as a parent might on a wayward child. Now that the child has matured and gone on to distinguish himself, we can put all those bad memories behind us. Or can we?

The social partnership was forged out of the white heat of industrial chaos and rampant inflation, but it has paid off. Yesterday we saw just how rich that reward has been as the Revenue recorded a jump of almost £2bn. The Minister for Finance has finally got his hands on the grail.

Such news would be grounds for celebration but for the fact that there is a major fault line developing which has the potential to destroy so much of the good that has been achieved Hefty pay demands and big cuts in taxes are simply incompatible if we are to maintain the competitiveness that has fuelled the engine that has driven our economy to such high performance levels.

Reform is long overdue, and as we have said before, payback time is nigh, but the case for massive pay rises when inflation is just about being kept in check doesn't stand up.

The reasons for the upsurge in revenue are the big jump in the numbers at work and the corresponding rise in spending. Both are indications that the social partnership is yielding big dividends. So why threaten it?

The Revenue Commissioners can be proud that they have cast their net wide but there is still concern in the public mind that some big fish are escaping and the revelations at recent tribunals have hardly helped.

The chain of cooperation between the social partners combining modest pay rises with tax cuts has produced a golden circle effect, whereby everyone benefits. There is no logic in reverting to the bad old days of the vicious circle when industrial relations meltdown and free for all wage bargaining impeded all progress.

Small court, big issue

THE benefits of moving with the times are obvious in most businesses, none more so than within the travel trade. That's why it was so surprising yesterday to find Judge Delap in the Small Claims Court finding it necessary to urge them to do so.

Indeed, the only moving thing about this travel story was the very brave performance by the woman at the centre of it who eventually settled out of court with the firm. PAB Travel, a Dublin tour company had refused a refund of £100 deposit to Mrs Elizabeth Hynes after she discovered she was suffering from leukaemia and paid back the money only after she took the case.

"I am afraid travel agents will have to move with the times and not reply on pre-printed contracts, and I am sure that responsible members of the travel trade will do that," Judge Delap said.

After the settlement the judge said that he was "heartened by the human response to your case". It is a pity that Mrs Hynes, already suffering from the traumatic news of her illness, had to go to law in order to secure this "human response".

Judge Delap will have struck a note with many who feel that the customer is far from always right when it comes to their treatment after booking a holiday. This was an excellent example of just what a valuable service to fair play the Small Claims Court can offer. Thankfully common sense prevailed, and justice was served — if somewhat belatedly — as far as Mrs Hynes was concerned.

NEWS ANALYSIS ● The Middle East ● Dublin prostitution

Detecting hope in the diplomatic sign language

Conor Cruise O'Brien

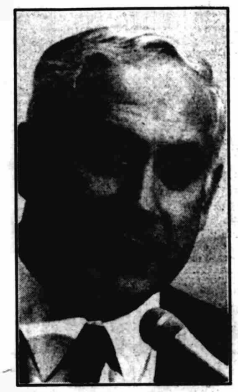
ISRAEL AND SYRIA — long arch-enemies within the Middle East — are both doing well right now. They are doing well in different ways: Israel in the domains of economics and technology, Syria in diplomacy and public relations. Their mutual successes might be expected to fuel the old antagonisms. But it is also possible that the enhanced self-confidence of both parties might lead to a tentative rapprochement, and later to an agreement which would greatly strengthen Israel's security, while also strengthening Syria's prestige and influence within the Fertile Triangle.

This week Syria's coming in from the diplomatic cold was the main theme of the news from the Middle East. The most spectacular item concerned the welcome accorded to President Assad of Syria by President Chirac in Paris on Assad's first visit to that city since he came to power more than 20 years ago. The hall where he spoke was decked with green, black, red and white Syrian flags. Assad was copiously eulogized by Jean Tiberi, the Mayor of Paris and a close ally of Chirac's.

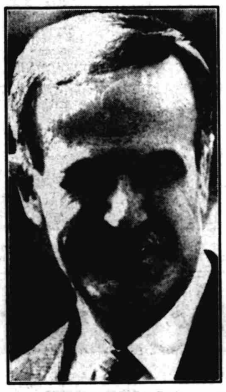
The main theme of the reception was to notify the US and Israel that the "strategic partnership" between France and Syria is serious. Whatever about the US, which has many factors to weigh, Israel's reaction to the announcement of a "strategic partnership" which could easily be interpreted as an alliance against Israel itself might have been expected to be sharply negative. But it was not. At the top, where it counts most, Israel's reaction to the Franco-Syrian rapprochement was remarkably positive. According to a Reuter's report carried by the *New York Herald Tribune*, Prime Minister Benjamin Netanyahu called President Assad "serious" and hailed his visit to France. "We think it's a good thing," he said.

It is true that Netanyahu's friendly approach was by no means reciprocated in the Syrian press, or even in Syrian diplomacy. On Monday Syria called on the new International Criminal Court to try Israel for crimes against humanity: "Israel's crimes are countless and must be punished by the international court."

Seasoned observers of the middle eastern political scene are likely to be much more interested in Netanyahu's friendly personal comment than in the venom of the Syrian official comment. In what concerns Middle Eastern politicians, the first broad hints of change tend to come from the top, and sometimes reach the middle and lower levels as a most unpleasant shock. Thus, on the eve of a critical vote in the UN General Assembly, in which Secretary of State George Marshall was passionately warning the Assembly against any move in favour of the creation of an Israeli State, Marshall received a curt note to tell him to drop his opposition as his boss, President Truman, had decided to recognise the State of Israel.



● Netanyahu: favourable remarks



● Assad: eulogised in Paris

Hints of change tend to come from the top, and sometimes reach middle and lower levels as a most unpleasant shock

That was the most dramatic turn-around I can recall, but the general phenomenon, according to which middle-east policy makers are continuing to send out signals which their bosses are already inclined to move away from is fairly common. Often a rather complex joint signal is being sent out to the general effect: "We would like to move away from our entrenched position and will do so as soon as we can see some sign that you are willing to move out of yours. But until we do see we are going to continue giving you hell along the usual lines."

Assad will have received Netanyahu's indication of a desire for *détente* quite clearly, and is likely to investigate it quietly, in order to probe Israel's present, and possible future, position on the Golan Heights.

The future of the Golan Heights is by far the most important *potential* issue in the politics of the Middle East. For Israel, relations with Syria are far more important than relations with "Arafat's Palestine". For one thing there is really no such thing as Arafat's Palestine. Arafat is by now mostly unpopular with everybody except his immediate corrupt clientele. Hamas, and other paramilitary groups, most of them sustained from Syria through Lebanon, are vastly more popular than Arafat is. Arafat cannot disarm or rein in the paramilitary groups. Only Assad, now in control of Lebanon, as well as of Syria proper, could do that.

The general shape of the *potential* deal between Israel and Syria is already clear to both parties and to all competent observers of the Middle East. If the deal could be successfully concluded and sustained, it could be enormously rewarding to both the potential partners.

Syria could gain at one stroke the hegemony over the Fertile Crescent (minus Israel) for which it has yearned for so long. In exchange for cast-iron guarantees of Israel's security (to which I shall come later), Israel would give Syria a free hand in all of Lebanon right up to Lebanon's border with Israel. Israel would also recognise Jordan as a legitimate sphere of Syrian interest. Israel would withdraw all its forces and all its settlers from the Golan Heights. Syria's hegemony over Arafat's Palestine (or what was left of it) would also be recognised.

In exchange for all that Israel would demand just one thing: that Syria will ensure that there shall be no further attacks on Israeli territory from any territories recognised as controlled by Syria, whether from present Lebanon or present Palestine or from Syria itself.

If Syria broke the agreement by allowing attacks on Israel, Israel would be free to retaliate immediately and directly against Damascus. If the treaty held — as it probably would — Syria's formidable military and security apparatus, combined with its unrivalled network of political information and support throughout the whole region of the Fertile Crescent would enable Syria to enforce this policy throughout the whole area over which its authority was recognised without much difficulty.

Syria would of course be roundly denounced by Egypt and other Arab countries for so iniquitous a deal. But Egypt itself did a very similar deal, 20 years ago, which still holds, and Syria's position within the Arab world would not suffer, but gain, from a deal which enlarged its territory and power.

I have no doubt that if such a deal as I have described were on offer from Israel, Syria would grasp it and honour it. Israel would at last have secure and recognised frontiers, and enforceable guarantees against a continuance of guerrilla attacks from the territories of all its neighbours. These are tremendous potential gains for Israel, but it will still be very difficult for Israel to make the necessary bold moves.

Syria being an authoritarian and near-totalitarian state can carry out diplomatic and military U-turns by *fiat* as the Soviet Union and Nazi Germany once used to do. But Israel is a democracy — the only real one in the Middle East. And in a democracy, U-turns cannot be executed without a debate. The debate over this one could be acrimonious in the extreme.

Still, the general character of the proposed move could be sweetened — from the point of view of its most dangerous potential foes — by timely concessions to their most endangered members. The present zones of Jewish settlement on the West Bank, and the most religiously-sensitive areas such as Hebron, could be recognised by Syria as part of the package and subject to the guarantees.

Israel on the other hand would have to withdraw all its settlers and soldiers from the Golan Heights. Unless that were conceded, all the rest of the deal would collapse. But the settlers on the Golan are mostly not religiously motivated, as are those in Hebron for example, and if they were adequately compensated they could probably be withdrawn without too much trouble as happened with the Jewish settlers in former Egyptian territory when the deal with Sadat was done.

A deal between Israel and Syria would be very difficult, which is why no real progress towards such a deal has yet been made. Yet the rewards for both sides, under such a deal, are exceedingly tempting. And I believe that Netanyahu's surprisingly favourable remarks about a Franco-Syrian rapprochement are signalling his willingness to move slowly in the direction of such a deal if the other side shows signs of real interest. And I think such signs may be forthcoming, even before the end of the present year.

The legalised brothel is not a happy prospect — but at least girls like Sinead Kelly would have the law and the police on their side

Bruce Arnold

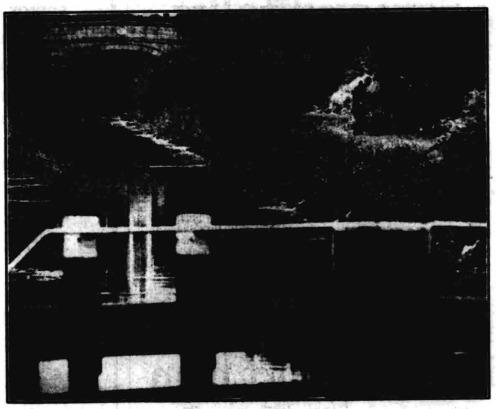
WHEN Sinead Kelly was murdered on the night of Sunday, June 21, the death was described by one guard who works in the area as 'a crime waiting to happen'. And the likelihood of it happening again has increased, according to police sources, just as activity by prostitutes along the Grand Canal at Herbert Place has increased. It has also increased elsewhere.

What has not increased is protection for prostitutes; if anything, they are more vulnerable today than they have ever been. They take bigger risks, young prostitutes in particular; and Sinead Kelly was only eighteen. The competition — which is in part the cause of violence against them — has grown. And the nature of the violence has become more savage, more indiscriminate, more punitive.

But that phrase, 'a crime waiting to happen', is not acceptable in the passive terms it suggests; indeed, not acceptable at all. However much we may look with distaste upon the twilight life of prostitution in Dublin and elsewhere, the protection which the State is required to give to these people should be real and effective. And it is clear that the present law has failed in its primary objective of reducing prostitution.

It is also clear that the other obligation of the State, to protect people from violence and death, is not working too well. The guards are handicapped by the law. For them, the prostitute is committing an offence. How, in such circumstances, can they offer protection, when their first requirement under the law is to arrest and charge?

The Act was a draconian and unworthy measure from the start. When Maire Geoghegan Quinn completed the legislative process in the Dail, June 1993, the Act was widely welcomed, and the minister was praised for what she had done. But this was only in respect of half the measure, the part of the Criminal Law (Sexual Offences) Act dealing with homosexuals. It was undeserved praise. All she did was to conform with European judgments against Ireland. And on this she had no choice.



If she received welcome on the measure from others in our society, it was covert. Those who welcomed her penal approach to prostitution kept their acclamation to themselves. Now, five years on, the situation is worse.

The measure was a terrible mistake at the time, and I said so, in several articles, all of which urged the de-criminalisation of prostitution. It was entirely illogical to liberate homosexual behaviour and increase penalties against prostitutes. And it was quite ridiculous doing it in the same piece of legislation, as Mary Harney argued very strenuously at the time. The moral contradictions in alleviating the laws on homosexual behaviour and imposing new laws in respect of the market for sexual favours, both heterosexual and homosexual, are absurd.

What society here has abjectly failed to address is the long-standing problem of taking moral judgments out of social issues. This has to be done, not just on a piecemeal basis, in respect of issues such as the homosexual rights issue, where David Norris was the real instigator of reform, but on all issues. The de-criminalisation of prostitution is an obvious example; but before coming to it, a word more about the other aspect of that 1993 Act.

During the week, much attention has been focused on a parallel measure in the United Kingdom, an added part of Jack Straw's Crime and Disorder Bill, dealing with the homosexual age of consent. Attempts to have this brought down to 16 have been effectively frustrated; and while it was not in the Labour Party election manifesto, it is seen as an important liberalising issue.

What has been raised, however, is both the moral question and the equality question. And in no uncertain terms a wave of outrage has become manifest on the line that is drawn between liberalising laws and actually giving homosexuality equality of status. In other words, are the interests of society, the future of the race, the constitutional rights of individuals, the protection of families, enhanced by giving homosexuality, as a definition of a human being, equal status in the law. And that means the right to marry, adopt children, and so on.

In Britain, morality is an important strand in public life. Here, morality is the preserve of the Church, and public life, as represented by politicians, accepts the Church's directions, more or less, because this approach allow moral abrogation when it suits.

Meanwhile, we punish, humiliate and put at risk the prostitute. We do so on the English model, and we have created a similarly sordid and reprehensible world inhabited by these marginalised women, and, to a lesser extent, men and young boys.

Alternative models are not all that attractive. Prostitution will always be a necessary and inescapable evil. But legalising prostitution would have the merit of lessening the entirely one-sided nature of the vulnerability which the law imposes. Instead of prostitutes being the object of either exploitation or punishment by the law, the police, the clients, the pimps, the heroin addicts, and the more powerful manipulators of organised crime, they would have the law and the police on their side.

This in turn would lead to circumstances of more effective control over their health and physical welfare, over the money they earn, over their children — who are particularly vulnerable, and innocent, figures in the saga — and over the environment in which their indestructible trade operates.

It is not a happy prospect, the legalised brothel, the licenced prostitute, the greater involvement of departments of State. The happy picture of brothels to be found in French literature by Maupassant or Balzac, or even Marcel Proust, was largely mythical. It is not a pleasant 'game'. But being done to death on the banks of the Grand Canal, as happened a month ago for Sinead Kelly, is a grisly reminder of a growing problem in which the 'working girls' have everyone against them.

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